United States Department of State

Washington, D.C. 20520

APR 15 2011

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SENATE COMMITTEE ON
FOREIGN RELATIONS

Dear Mr. Chairman:

Pursuant to section 652 and section 552(c)(2) of the Foreign Assistance Act of 1961, as amended (FAA), I wish to inform you that the President intends to exercise his authority to drawdown up to $25 million in commodities and services from the inventory and resources of any agency of the United States government.

As explained in further detail in the enclosed Memorandum of Justification, the President's proposed actions would provide urgently needed non-lethal assistance to support efforts to protect civilians and civilian-populated areas under threat of attack in Libya.

Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

Joseph E. Macmanus
Acting Assistant Secretary
Legislative Affairs

Enclosure:
As stated.

The Honorable
John F. Kerry, Chairman,
Committee on Foreign Relations,
United States Senate.

MEMORANDUM OF JUSTIFICATION PURSUANT TO SECTION 552(c)(2) OF THE FOREIGN ASSISTANCE ACT FOR A DRAWDOWN TO SUPPORT EFFORTS TO PROTECT CIVILIANS AND CIVILIAN-POPULATED AREAS UNDER THREAT OF ATTACK IN LIBYA

The President intends to authorize the drawdown of up to $25 million in non-lethal commodities and services from the inventory and resources of any agency of the U.S. government to support key U.S. government partners such as the Transitional National Council (TNC) in efforts to protect civilians and civilian-populated areas under threat of attack in Libya. As outlined below, such assistance responds to an unforeseen emergency and provision of this assistance is important to the national interests of the United States.

On February 15, 2011, anti-Qadhafi protest in the eastern city of Benghazi, reportedly involving several hundred demonstrators, sparked a peaceful protest movement against the current Libyan regime, which spread quickly across the country. In response to the popular mass movement calling for Muammar al-Qadhafi to step down, the Libyan government attempted to suppress the peaceful demonstrations by the use of violence. Qadhafi ordered Libya's internal security forces and the military to attack unarmed civilian protestors. UNSCR 1970 noted the widespread and systematic attacks in Libya against the civilian population may amount to crimes against humanity.

In response to mounting civilian casualties and Qadhafi's failure to answer calls from the Libyan people to step down through peaceful means, Libyan citizens in Benghazi formed the TNC. Under TNC leadership, an armed anti-Qadhafi Libyan force formed to advance the cause of democratic reforms in Libya. The TNC was organized by the Libyan opposition to administer civilian and military affairs, engage in international outreach, and coordinate humanitarian assistance. The TNC has stated that it embodies a secular, national, and popular movement; its 31 members represent a broad cross-section of tribes and Libyan civil society. The TNC has publicly rejected terrorism, embraced the Geneva Conventions, and emphasized its dedication to building democratic institutions to provide for a secular future in which a broad range of Libyan citizens will be able to participate. The TNC has vowed to encourage a state in which its people enjoy the right to live in safety and security.

On March 17, the UNSC adopted Resolution 1973, which – in addition to imposing additional sanctions on Libya – authorized enforcement of the arms

embargo that the Council had previously established under resolution 1970; established a no-fly zone and authorized member states to take all necessary measures to enforce compliance with it; and authorized member states, notwithstanding the arms embargo, to take all necessary measures to protect civilians and civilian-populated areas under threat of attack in Libya. A coalition of U.S., European, and Arab states initiated measures on March 18 to implement the provisions of UNSCR 1973 and continues to do so.

The U.S. government has been in communication with the TNC in an effort to build a working relationship and to understand its security capabilities and shortfalls, while recognizing the key role that Libyan opposition forces play in the protection of civilians and civilian-populated areas in Libya. The TNC has identified a range of non-lethal assistance which could assist its efforts, and which the United States could provide through the use of the Peacekeeping Operations drawdown authority.

The proposed drawdown would authorize United States government agencies to provide non-lethal articles to Libyan groups such as the TNC. The purpose of this assistance would be to enhance the TNC or other groups' ability to protect civilians and civilian-populated areas under threat of attack as authorized by UNSCR 1973. The proposed drawdown would be limited to non-lethal items and may include but not be limited to, vehicles, fuel trucks and fuel bladders, ambulances, medical equipment, protective vests, binoculars, and non-secure radios. State and DoD will work closely with our partner nations to coordinate on the types of non-lethal assistance to be provided so as to minimize duplication of effort.

For the reasons discussed above, the President intends to exercise his authority pursuant to section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, to direct the drawdown of $25 million in commodities and services of any U.S. government agency to provide assistance to support efforts by Libyan groups such as the TNC to protect civilians and civilian-populated areas under threat of attack in Libya.